

REMARKS

By way of summary, Claims 1–9, 11, and 17–25 were pending in this application, and the Office Action dated July 16, 2010, rejected Claims 1–9, 11, and 17–25. By this Amendment, Claims 1, 20, and 25 have been amended, Claims 8 and 19 have been canceled, and Claims 29–34 have been added. These amendments are made without prejudice or disclaimer, and Applicant respectfully reserves the right to pursue the canceled subject matter in a continuing application. Accordingly, Claims 1–7, 9, 11, 17–18, 20–25, and 29–34 are now pending in this application, and Applicant respectfully submits that these claims are now in condition for allowance.

Claim Rejection under § 102

The Office Action rejected independent Claims 1 and 25 under 35 U.S.C. § 102(b) as being anticipated. Claim 1 was rejected as anticipated by U.S. Patent No. 6,379,382 to Yang (“Yang”), and Claims 1 and 25 were rejected as anticipated by U.S. Patent No. 6,093,199 to Brown (“Brown”). By this Amendment, Claims 1 and 25 have been amended, and Applicant respectfully submits that amended independent Claims 1 and 25 are now patentable over Yang and Brown at least because these references fail to teach or disclose all the recitations of the amended independent claims, as explained below.

Amended Independent Claim 1

Claim 1 was rejected as anticipated by both Yang and Brown. Claim 1 now recites, in part, an “a membrane attached to the exterior surface of said mechanically expandable device, the membrane having pores of a size between 100 nm and 10 μ m and comprising a therapeutically effective amount of a chemical compound comprising a biosynthesis accelerator to stimulate cell growth, the membrane being configured such that when the device is inserted adjacent an aneurysm, the membrane faces the aneurysm and releases the chemical compound toward the aneurysm; and a particle comprising a polymer mixed with the chemical compound that controls the release rate of the chemical compound, the particle comprising a first polymer forming a hydrophilic shell and a second polymer forming a hydrophobic core.” Applicant respectfully submits that the cited references fail to teach at least the recitations recited above, particularly when considered in connection with the remaining recitations of the claim.

For example, Applicant respectfully submits that the cited references fail to teach a particle comprising a first polymer forming a hydrophilic shell and a second polymer forming a hydrophobic core or a membrane having pore sizes between 100nm and 10 μ m. Moreover, Applicant respectfully submits that the remaining cited references, when considered alone or in combination, fail to teach or suggest all the recitations of Claim 1.

Accordingly, Applicant respectfully submits that the cited reference fails to teach all the recitations of the Claim 1, as explained above. Accordingly, Applicant respectfully requests withdrawal of the § 102 rejection of Claim 1.

Amended Independent Claim 25

Claim 25 was rejected as anticipated by Brown. Claim 25 now recites, in part, an “positioning a mechanically expandable device into a bodily vessel proximate to the aneurysm neck, the mechanically expandable device comprising a membrane with pores having a size between 100nm and 10 μ m on an exterior surface of the device; releasing, from the membrane, a therapeutically effective amount of a chemical compound comprising a biosynthesis accelerator to stimulate cell growth within the aneurysm, wherein the chemical compound is released from the membrane toward the aneurysm; and disposing a particle through the expandable device to the aneurysm, the particle having a first polymer forming a hydrophilic shell and a second polymer forming a hydrophobic core.” Applicant respectfully submits that the cited reference fails to teach at least the recitations recited above, particularly when considered in connection with the remaining recitations of the claim.

For example, Applicant respectfully submits that the cited reference fails to teach disposing a particle through the expandable device to the aneurysm, the particle having a first polymer forming a hydrophilic shell and a second polymer forming a hydrophobic core. Moreover, Applicant respectfully submits that the remaining cited references, when considered alone or in combination with Brown, fail to teach or suggest all the recitations of Claim 25.

Accordingly, Applicant respectfully submits that the cited reference fails to teach all the recitations of the Claim 25 and respectfully requests withdrawal of the § 102 rejection of Claim 25.

Claim Rejections under § 103

The Office Action rejected dependent Claims 2–5 and 20–24 under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Yang, Brown, U.S. Patent No. 6,511,979 to Chatterjee, U.S. Patent Publication No. 2004/0220665 to Hossainy, U.S. Patent Publication No. 2002/0120276 to Greene, and U.S. Patent Publication No. 2003/0040772 to Hyodoh. By this Amendment, Claim 1 has been amended, as explained above, and Applicant respectfully submits that Claim 1 is patentable over these references, taken alone or in combination, at least because these cited references fail to teach or suggest all the recitations of Claim 1. By virtue of the dependency of Claims 2–5 and 20–24 on Claim 1, and by virtue of their additional patentable subject matter, Applicant respectfully submits that Claims 2–5 and 20–24 are patentable over the cited references, taken alone or in combination. Accordingly, Applicant respectfully requests that the § 103 rejection of Claims 2–5 and 20–24 be withdrawn.

Dependent Claims

Dependent Claims 2–7, 9, 11, 17–18, 20–24 depend from Claim 1. These claims are rejected under § 102 and § 103, and Applicant respectfully submits that these dependent claims are patentable over the cited references for at least the same reasons set forth above with respect to independent Claim 1, in addition to the independently patentable subject recited in each of the dependent claims. Accordingly, Applicant respectfully requests withdrawal of the rejections of Claims 2–7, 9, 11, 17–18, 20–24.

New Claims 29-34

New Claims 29-34 have been added by this Amendment. Applicant respectfully submits that these claims are supported by the disclosure and that no new subject matter has been added by this amendment. Applicant further submits that these claims are in condition for allowance over the cited references and respectfully requests consideration of these new claims.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable action on this application. If any questions remain, the Examiner is cordially invited to contact the undersigned attorney so that any such matters may be promptly resolved.

Any remarks in support of patentability of one claim should not necessarily be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not necessarily be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully reserves the right to traverse any of the Examiner's rejections or assertions, even if not discussed herein. Applicant respectfully disagrees that any reference cited in the office action discloses a "base" method and that the claimed inventions are "improvements" of such a base method. Applicant also respectfully disagrees that other cited references contain "comparable" methods to those claimed. Applicant respectfully disagrees with the characterization of cited references and their teachings, and Applicant reserves the right to challenge later whether any of the cited references are prior art. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present Application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter. Applicant reserves the right to contest later whether a proper reason exists to combine prior art references.

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Respectfully submitted,

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